

Rocky Flats Coalition of Local Governments

Boulder County City and County of Broomfield Jefferson County
City of Arvada City of Boulder City of Westminster Town of Superior

Rocky Flats Coalition of Local Governments Board Meeting Minutes

Monday, May 5, 2003

8:40 - 10:30 a.m.

Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Hank Stovall (Director, Broomfield), Tom Brunner (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Karen Imbierowicz (Director, Superior), Nanette Neelan (Alternate, Jefferson County), Lisa Morzel (Director, City of Boulder), Paul Danish (Director, Boulder County), Jane Uitti (Alternate, Boulder County), Sam Dixon (Director, Westminster).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Barbara Vander Wall (Seter & Vander Wall, P.C.), Linda Cassaday (L.L. Cassaday Company, P.C.).

Members of the Public: Dave Shelton (Kaiser-Hill), Rick DiSalvo (DOE), Liz Wilson (DOE), Karen Lutz (DOE), Patrick Etchart (DOE), Laurie Shannon (USFWS), Mark Sattleberg (USFWS), Tim Rehder (EPA), Rob Henneke (EPA), Steve Gunderson (CDPHE), Patricia Rice (RFCAB), Al Nelson (Westminster), Shirley Garcia (Broomfield), Nancy Lemein (Arvada), Bob Nelson (Golden), Phil Cruz (RFSOIU #1), Robert Lynch (RFSOIU #1), Dan Chesshir (RFSOIU #1), Aislinn Hamilton (Congressman Beauprez), Kristi Pollard (Senator Allard), Roman Kohler (Rocky Flats Homesteaders), Katy Human (Daily Camera).

Convene/Agenda Review

Chairman Lorraine Anderson convened the meeting at 8:42 a.m. Lorraine asked David to present his Executive Director's Report first.

Business Items

1) Executive Director's Report - David Abelson reported the following items. There have been a number of letters sent back and forth regarding mineral acquisition. The Coalition, Westminster, and Broomfield have sent letters supporting Rep. Udall's draft mineral legislation as well as acquisition of rights via the Land and Water Conservation Fund. Charlie McKay and his lawyer have sent letters and talked with David regarding their concerns, which include a mineral map showing off-site areas and pressure to sell permitted rights that Mr. McKay has not started mining. Ideally, Mr. McKay does not want to sell any rights, but is willing to discuss his non-permitted rights. U.S. Fish and Wildlife Service also sent letters opposing acquisition of the rights with money from the Land and Water Conservation Fund.

ADMIN RECORD

As David reported to the Board previously, Kaiser-Hill discovered the Rocky Flats incinerator (minus the stack) buried in the buffer zone, just uphill of the Ash Pits. It was in an area that necessitated further investigation, so although they only expected to find the incinerator slab, their system worked. David said this speaks to the continued need to focus on long-term stewardship and contingency planning since it is unrealistic to expect that Kaiser-Hill will find everything onsite prior to closure.

Lisa Morzel said that while they can not expect everything to be identified, she believes it is too premature for the Coalition to sign-off on an end-state agreement. She asked the group to reconsider the end-state position they signed September 9, 2002 since there are still serious issues with the subsurface. Lisa agreed long-term stewardship is important, but she worried that there are no contingency funds for any surprises found and that the Site is locked into current funding levels. She worried that cleanup suffers each time a new item is found. David explained that the money available for project completion is not a fixed amount and Congress has committed to funding the cost of contract completion. Under the contract scope of work (which Kaiser-Hill has listed as \$3.9 billion) Kaiser-Hill and DOE have specific obligations. If the decision is made to remove the incinerator it does not mean that work will be reduced elsewhere. Instead, Kaiser-Hill would receive a reduced fee. Additionally, David explained that the end-state discussion was geared toward environmental remediation and cleaning up to specific levels, and the Coalition has not yet addressed the issue of subsurface structures. He also said the Coalition end-state position included a request that any savings resulting from cleanup be reinvested into additional cleanup work, but this request was not accepted.

Since the City of Boulder opposed the Coalition end-state position Lisa was unable to put forth a motion to reconsider it. Sam Dixon motioned to reopen the Coalition's end-state position. Karen Imbierowicz seconded the motion. Hank Stovall said he does not agree that the Coalition should revise or reopen something already agreed upon, especially since the RFCA is being revised based on this guidance from the community. He said the end-state agreement resulted in dropping the radionuclide soil action level (RSAL) from approximately 600 picocuries per gram (pCi/g) to 50 pCi/g, and included guidance to remove the most highly contaminated areas three to six feet below the surface. Hank stated he would vote no. Lorraine Anderson suggested that since it had been awhile since any of them had actually read the end-state position letter they should review the letter and reconsider the issue at the next Board meeting. Lisa supported this recommendation, and said she does not want to go back on the RSAL but she is concerned about the end-state agreement being comprehensive enough to anticipate these types of unknowns. Hank said one piece of the puzzle is dependent on other pieces, and he noted that there are still ongoing discussions about cleanup levels below three feet and paths to the environment from contaminants. He said the downstream communities do not want a low-level waste dump, but as managers they have to make the best decision based on the best information available at the time. David also stated the end-state agreement is a huge component of RFCA, but not its entirety. He suggested the Coalition also consider additional RFCA cleanup decisions to be made, such as the landfills, ponds, and VOC plume under the 903 Pad. Lisa voiced concern that the Site is not considering that contamination will remain for hundreds of thousands of years. Karen said she believes it is possible to review the end-state again by perhaps creating a new resolution instead of reversing the prior position. Sam agreed to withdraw her motion. David said he would work with the Executive Committee on how to move this discussion forward.

David next discussed the Rocky Flats worker health study, performed by CDPHE and the CU Health Center, and funded by DOE through NIOSH. The primary findings are: Rocky Flats workers are generally healthier than the average citizen; cancer rates are lower for Rocky Flats workers, but lung cancer rates are higher than other DOE workers due to inhalation (although they are still lower than the general population); and, one type of brain cancer is higher than found in the public. The study has not yet been peer reviewed. Hank said the study had been internally peer reviewed at NIOSH. He also stated the study did not take into account external exposures, he questions the data, and he does not

believe he received a good answer to his query when he attended the report presentation.

David advised the Board he would be in Washington, D.C. the following week for a series of meetings regarding funding for worker transition and Coalition funding for FY04. He will also be meeting with Rep. Udall and Senator Allard staff.

2) Motion to Approve Consent Agenda - David provided a clarification to the minutes. On page four Doug Young stated he had been in touch with Charlie McKay, but the nature of the discussion needs to be clarified. Rep. Udall had met personally with Mr. McKay when the refuge bill was being discussed, but he had not discussed the current mineral legislation being drafted. Nanette Neelan added that Michelle Lawrence had asked Doug to reach out to the mineral rights owners on this draft bill. Hank Stovall motioned to approve the consent agenda with the aforementioned changes to the minutes. Sam Dixon seconded the motion. The motion passed 7-0.

Public Comment

Phil Cruz (RFSOIU #1) said he believes the Rocky Flats worker health study presentation was very inefficient, had too many contradictions, and was unclear. He was left unsettled as to what exactly to take away from the study.

Coalition 2002 Audit

Linda Cassaday provided an overview of the audit she performed in accordance with general auditing standards. She explained the audit is conducted in order to obtain reasonable assurance about whether the general purpose financial statements are free of material misstatement. The audit also reports on Coalition internal control over financial reporting and on tests of its compliance with certain provisions of laws, regulations, contracts, and grants. She stated there were no instances of noncompliance and no weaknesses found, although one challenge found is in the segregation of duties. Linda encouraged the Board to continue to review finances quarterly. Hank Stovall motioned to accept the 2002 audit. Sam Dixon seconded the motion. The motion passed 7-0.

Conversation on Original Landfill

David Abelson said this conversation will begin where they left off at the last Board meeting. He explained staff will take the Board interests identified today, and forward them to DOE and the regulators so they are considered while the Site makes the remedy decision for the Original Landfill.

Lisa Morzel stated the Site has been focused on the chemical nature of the contamination that will come out of the landfill, but the incinerator find raises the issue of potential large structures within the landfill. She suggested using ground penetrating radar to identify strong reflectors off of large structures. Paul Danish said there were most likely many things put into the landfill that people have forgotten by now, but what is most meaningful is having proper assurances that when surprises show up there are mechanisms to deal with them. Lorraine Anderson agreed that what it really comes down to is having the ability to clean up messes that may be discovered in the future. Jane Uitti raised concern

over the landfill remedy being based on historic data as this did not work for the incinerator. Melissa Anderson said there had also been some degree of characterization, as presented at the September 2002 Board meeting. Sam Dixon said the fact that the landfill is not currently leaking still does not instill much confidence, and she said she would be more comfortable if there were some type of trust fund to count on instead of the whim of politics. Karen Imbierowicz noted it will cost a lot of money for characterization, and she suggested putting the money toward a trust fund for stewardship and contingency planning to protect the community in the future.

Hank Stovall asked how deep down the gamma scan device characterized the landfill. Dave Shelton (Kaiser-Hill) responded that was surface characterization and they have not dug into the landfill. Clark asked if excavation was not an option due to economic or technical reasons. David explained that when you look at the current risk of leaving the landfill in place, as defined by the Site, in relation to the cost of mitigating that risk, the cost of mitigation is extraordinarily greater. He said the nature of that equation would be further explained in the decision document. Tom Brunner stated there is a finite amount of money for cleanup and they should focus attention on the big risks, which may still be forthcoming. Lisa said ground penetrating radar is not expensive and would give them a better sense if there are any large substructures within the landfill. Paul agreed the radar might be a good idea and could raise a red flag if 50 to 70 buried drums or containment vessels are detected.

David asked the Board how they would determine when enough characterization had been performed. Lisa said she would like to know what it would cost to characterize to certain levels and get a matrix showing the cost compared to removal. If the landfill is not highly contaminated then it would not be a big deal if it fails and falls into the drainages, but she is not comfortable about just leaving it there not knowing what is in it. She said she is a strong supporter of long-term stewardship, but she is uneasy by what DOE might consider long-term and thinks extra funds should be held in reserve for contingencies. David asked how they might measure the level of characterization, so for example, they would know the landfill is 50% characterized. Lisa responded it may not be a percentage, but they need to make sure they cast the net broadly enough, ask the right questions, and apply the correct technology. Lorraine asked what it would tell them if they did find large structures in the landfill. Paul used the analogy of mine tailings which are worked sometimes up to five times. He said technology will change as time goes on and twenty years from now they may be able to detect structures with greater resolution. However, right now it is a good idea to find out if gross risks exist. Sam said further characterization is not the answer unless it can go deeper than the surface. She would rather have a long-term stewardship program to deal with what might come out of the landfill. Tim Rehder (EPA) said ground penetrating radar is not expensive and he would research its use to see if it had been used for good effect on other projects. He added it could be utilized in fairly rapid fashion.

Karen said it would be helpful to know options available for characterization and stabilization, as well as the costs and benefits. She agreed it might be a good idea to look for gross risk, but in the end it will all rely on stewardship. Paul suggested approaching CU, CSU, or the School of Mines. Lorraine said whatever came onsite stayed onsite, and asked if there was a list of all items that had come onsite over the years. Dave noted products and hazardous waste were shipped offsite, and when they look at hazardous release sites they look for specific chemicals they know were used there. However, they do not have a mass balance. Rick DiSalvo added that while the landfill was in operation there were other disposal areas where waste went, however he is aware people did not follow the rules 100% of the time.

Steve Gunderson (CDPHE) said the hottest waste was shipped out of state. Tom asked if in the future someone could give them idea of how the landfill was constructed. David said the landfill was really a dump and had been the side of a hill where people dumped construction debris out of the backs of trucks. David then said he would take what he heard from the Board and work with local government staff to forward the Board's interests and needs to the Site.

Round Robin

Broomfield - Tom Brunner stated that Kaiser-Hill announced more voluntary layoffs last week, with a sign-up deadline of June 17th to end employment June 30th. He said it is good to be able to reduce the workforce voluntarily when possible. Karen Imbierowicz said she would be curious to hear how many employees volunteered. Tom said the contractor normally has a target number and sometimes a cap.

David said Coalition staff had put together a list of Rocky Flats acronyms for the Board.

Public Comment

Dave Shelton offered the Board a tour of the Site in case there were still members who were not familiar with the layout and terrain. He then provided pictures of the incinerator and described its history and how it was found. Dave said there has been no contamination found outside, but they expect to find some surface ash on the inside leftover from incineration. He said they will be removing the concrete structure. Lorraine Anderson thanked him for Kaiser-Hill's good work.

Big Picture

David Abelson reviewed the Big Picture. In June the Board will hear from USFWS on refuge alternatives. The July meeting may be canceled. Rep. Beauprez may speak with the Board at the August meeting. Hank Stovall said it is important to track workforce transition results to learn how many workers actually find new comparable jobs in the area.

The meeting was adjourned by Lorraine Anderson at 10:32 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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